

UNITED STATES DISTRICT COURT

For the

DISTRICT OF NEW HAMPSHIRE 2019 DEC 18 A 11:15

JANET MARIE DELFUOCO

Plaintiff,

v.

GORDAN MCDONALD, RICHARD TRACEY,]

LISA WOLFORD, ERIN FITZGERALD, in the]

Capacity only as attorney general and]

Employees of the state of New Hampshire,]

Defendant one]

DENISE BARSTOW, BOB FLUERY, TRACEY HEALEY,]

JODY DUCHARME, in the capacity of employees,]

Granite State Credit Union.]

Defendant two]

Case No: 19-cv-1245

COMPLAINT FOR VIOLATION OF RIGHTS. FIRST ADMENDMENT

INTRODUCTION

USC §1983 " provides a cause of action for the deprivation of any rights, privileges, or immunities secured by the constitution and laws by any person acting under the color of any

UNITED STATES DISTRICT COURT

For the

DISTRICT OF NEW HAMPSHIRE

JANET MARIE DELUCCO

Plaintiff

v.

GORDAN McDONALD, RICHARD TRACEY,

LISA WOLFORD, ERIN FITZGERALD, in the

Capacity, only as former, General and

Employees of the state of New Hampshire,

Defendant one

DENISE BARSTOW, BOB FLERY, TRACEY HEALEY,

JODY DUCHARME, in the capacity of employees,

Granite State Credit Union,

Defendant two

Case No. 19-CV-1875

COMPLAINT FOR VIOLATION OF RIGHTS FIRST AMENDMENT

INTRODUCTION

USC § 1983 "provides a cause of action for the deprivation of any rights, privileges, or immunities secured by the constitution and laws by any person acting under the color of any

statue, ordinance, regulation, custom, or usage, of any state or territory. " *Gomez v Toledo*, 446us 635,638 (1980) Internal quotations omitted).

The New Hampshire attorney general's office allowed Ms. DelFuoco to be arrested for a face book post on her own page explaining her belief in the Wiccan religion and what she believes to be Karma.

With the help of an employee at Granite State Credit Union(G.S.C.U.), Jody Ducharme, was paid employee to watch Ms. DelFuocos page every day, all day, came across a post on a Sunday afternoon and decided to turn it in along with other posts she had found that had nothing to do with Karma, or religion. Just shared post from around social media including pictures of her dog and her minor son on a dirt bike. The behavior of "stalking" as some would say was taking place shortly after Granite State Credit Union had lost in Rockingham superior court for trying to suppress Ms. Delfuoco for speaking publically about banking practices that had caused her significant financial and mental stress. *Civil case #218-2016-CV-00060*.

Since Ms. Delfuoco was a member of the credit union and had rights as a member and whistle blower of wrong doing, *Title 7 of civil rights act 1964*, 42 usc 2000e- (3A) prohibits retaliation against employees who opposed any practice made by title 7. The *sarbones-oxley act of 2002*, whistle blower act anti retaliation provision *dodd-frank act. As a member she has the same rights as an employee*.

When the complaint was brought to Richard Tracey and also Manchester Police Department, the police did no further investigation. Richard Tracey of the New Hampshire Attorney generals office called Ms. DelFuoco the next day and wouldn't say who brought them the copy of the post but wanted to know what it meant, she explained nothing but a karma post. Which Mr.Tracey already knew that because he had several interactions with Ms. Delfuoco because of her ex husband (James Goad) and a loan scam with G.S.C.U. She was never notified and unaware at that time she would be investigated for a year. That investigation included two search warrants to Face book and her phone that where kept sealed from her knowledge and she was never notified. Thus moving forward for a year and then the indictments of four felonies and one misdemeanor. N.H. R.S.A. 631;41-a, she was found innocent of all charges. Including the judge saying on record " I do not believe you did this"

One Face book post about karma that was posted by Ms. DelFuoco was then taken down two hours after the posting on her page on a Sunday afternoon. The post was barely seen but created a safe space for Ms. DelFuoco to vent because of all the injustices done was nothing more then retaliation from the credit union with the assistance of the Attorney general office. *Packingham vs North Carolina, June of 2017*,

“Facebook is considered a protected safe space, under the first Amendment, for lawful speech a fundamental principle of the first am. Is that all persons have access to a place where they can speak and listen and after reflection speak and listen once more.”

CHARGES

Charge 1, The Attorney generals office and investigator Dick Tracey asked for and received two sealed search warrants in March of 2017, which resulted in hundreds of pages of nothing but shared photos and memes and private pictures of her family life, including minor children. There was other post and videos of Ms. Delfuoco speaking freely of the family court system and civil court and all the laws under the New Hampshire judicial that have been broken and the state was ignoring the complaints. At this point brought her to trial for one post she removed that claimed her to be Wiccan. What does her choice of religion have to do with a case for threat or was it used to discredit her because she was telling the truth about the state officials and judges and credit union breaking laws?

Charge 2, Are public officials and businesses allowed to violate a citizens 1 and 4th amendment rights of privacy and to be used against them in a malicious prosecution? NH constitution pt. 1 art. 14, legal remedies.

Charge 3, How far does Article IV of the Constitution allow a public agency to go in getting search warrants against a citizen exercising her constitutional rights of speech and religion, (a religion that is proven to be older then Christianity).

Charge 4, Finally, during the trial the prosecutor, Lisa Wolford and Erin Fitzgerald on several accounts tried to mislead the jury by saying Wicca is a scam and not a believable religion. Thus, making light of her religious beliefs as not real, and lending credence to malicious prosecution.

Charge 5, The end result of the forgoing charges and trial has led to permanent loss of health and emotional stability.

____WHEREFORE, the Plaintiff requests the court find that the Granite State Credit Union and the NH Attorney General's office did maliciously violate her right to freely

"Facebook is considered a protected safe space, under the First Amendment, for lawful speech and fundamental rights of the First Amendment. It is not a place where anyone can speak and listen and after reflection speak and listen once more."

CHARGE 2

Charge 1: The Attorney General's office and investigator Dick Cheney asked for and received two seized search warrants in March of 2017, which resulted in hundreds of pages of nothing but shared photos and memes and private pictures of her family life, including minor children. There was other post and videos of Mrs. Doherty speaking freely of the family court system and civil court and all the lies under the New Hampshire judicial that have been broken and the state was ignoring the complaints. At this point brought her to trial for one post she removed that claimed her to be a Wisconsin. What does her choice of religion have to do with a case for threat or was it used to discredit her because she was telling the truth about the state officials and judges and civil union breaking is why?

Charge 2: Are public officials and businesses allowed to violate a citizen's 1st and 4th amendment rights of privacy and to be used against them in a malicious prosecution? NH constitution pt. 1 art. 1A, legal remedies

Charge 3: How far does Article IV of the Constitution allow a public agency to go in getting search warrants against a citizen exercising her constitutional rights of speech and religion? (a religion that is proven to be older than Christianity).

Charge 4: Finally, during the trial the prosecutor, Lisa Wolford and Erin Fitzgerald on several accounts tried to mislead the jury by saying Wicca is a scam and not a believable religion. Thus making light of her religious beliefs as not real, and leading evidence to malicious prosecution.

Charge 5: The end result of the foregoing charges and trial has led to permanent loss of health and emotional stability.

WHEREFORE, the Plaintiff requests the court find that the Granite State Council Union and the NH Attorney General's office did maliciously violate her right to freely

express herself, her religion her right to have religious faith of her choice and inflicted malicious prosecution for daring to be outspoken about a business invading her freedom of expression and the government's intimidation for purpose of showing others what happens when you speak out. The harassment and violations and result in trials causing her a mental and physical breakdown. The end result monetary damages to refinance her home again with another bank making her now mortgage double and lasting damages to her physically and mentally. Also causing emotional damage to her minor son.

express herself, her religion her right to have religious faith of her choice and initiated malicious prosecution for being to be outspoken about a business involving her freedom of expression and the government's intimidation for purpose of showing others what happens when you speak out. The harassment and violations and result in this causing her a mental and physical breakdown. The end result monetary damages to her home again with another bank making her now mortgage double and leaving damages to her physically and mentally. Also causing emotional damage to her minor son.

UNITED STATES FEDERAL COURT

For

NEW HAMPSHIRE DISTRICT

I Janet M. DelFuoco do hereby swear to the foregoing facts as true and factual to the best of my knowledge on or about December 18th, 2019 at county of Merrimack State of New Hampshire.

Code Section Offense Description

Violation by Public officials of Free Speech

This civil complaint is based on the foregoing facts and evidence which will be presented at trial.

Janet M. DelFuoco 259 Bow St Northwood NH 03261
signature of Janet M. Delfuoco 603-608-8391 upperbow2msn.com

Sworn to and signed in my presence

Dated 12.18.19

Justice of the Peace or Notary Public

Heather Cutter Heather Cutter

Printed Name of Justice or Notary

City and State Northwood NH

HEATHER CUTTER
Notary Public - New Hampshire
My Commission Expires September 7, 2021

UNITED STATES FEDERAL COURT

7

NEW HAMPSHIRE DISTRICT

I, Daniel M. Delfino do hereby swear to the foregoing facts as true and correct to the best of my knowledge on or about December 15th, 2019 at County of Merrimack State of New Hampshire.

Code Section Offense Description

Violation by Public Officials of Free Speech

This affidavit is based on the foregoing facts and evidence which will be presented in that

Signature of Daniel M. Delfino

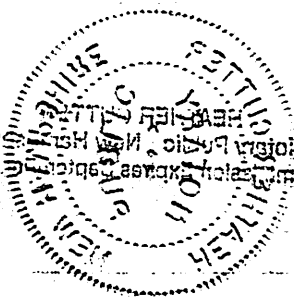
Sworn to and signed in my presence

Dated

Justice of the Peace or Notary Public

Printed Name of Justice or Notary

City and State



AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the
District of

JANET DOLFUSCO

Plaintiff(s)

v.

Tracey Healey

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Tracey Healey
1415 Elm St
Manchester NH
03101

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____
 _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the
District of

JANET DeLuca

Plaintiff(s)

v.

Denise Barstow

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Denise Barstow
1415 Elm St
Manchester, NH 03101

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

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 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____
 _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of

JANET DeLuca

Plaintiff(s)

v.

Civil Action No.

Richard Tracey

Defendant(s)

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Richard Tracey
33 Capital St Concord NH
03301

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

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 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the
District of

JANET DeLUCA

Plaintiff(s)

v.

Civil Action No.

Lisa Wolford

Defendant(s)

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Lisa Wolford

33 Capital ST

Concord NH 03301

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

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 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
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☐ Other *(specify)*: _____
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My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

for the

District of

JANET DELFUOCO

Plaintiff(s)

Y.

Civil Action No.

Erin Fitzgerald

Defendant(s)

To: *(Defendant's name and address)*

Erin Fitzgerald

33 capital ST

concord with

63301

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

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☐ I returned the summons unexecuted because _____; or

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My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of

JANET DeLuca

Plaintiff(s)

v.

Gordon McDonald

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Gordon McDonald
33 Capital ST
Concord NH 03301

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

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My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of

JANET Delfuoco

Plaintiff(s)

v.

Civil Action No.

Jody Ducharme

Defendant(s)

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Jody Ducharme

1415 Elm ST

Manchester NH
03101

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

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 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____
 _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: